

REMARKS

Claims 20-38 are pending. Claims 20-29 and 32-38 stand rejected under 35 U.S.C. §103(a) as being unpatentable over US patent no. 5,212,373 (hereinafter Fujioka) in view of US patent application publication no. 2003/0178483 (hereinafter Wakabayashi). Claims 30-31 are rejected under 35 U.S.C. §103(a) as being unpatentable over Fujioka in view of Wakabayashi and further in view of RFID Standards (ISO 1800-4 part 4, updated January 31, 2002). The Office Communication objects to the specification in view of some informalities. Reconsideration of the rejections and objections and allowance of all the claims in view of the foregoing amendments and the following remarks is respectfully requested.

The specification was amended to correct the informalities noted in the Office Communication. Accordingly, the objection to the specification should be withdrawn.

Claim 20 has been amended to further emphasize aspects of the present invention. For example, claim 20 recites that the at least one energy store is a depletable energy store, (e.g., a battery). Claim 20 further recites that the second oscillator is connected to cyclically receive a DC electric power from such at least one energy store so that the second higher clock frequency is cyclically supplied according to a cycle time of the polling cycle. This allows to increase an operating life of the depletable energy store. Support for the foregoing amendment may be found at least in FIG. 1 and paragraphs [0023], [0040], [0044], and [0046]-[0047] of the US patent application publication of the present invention.

M.P.E.P. 2143.03 provides that to establish *prima facie* obviousness of a claimed invention, all the claims limitations must be taught or suggested by the prior art. All words in a claim must be considered for judging the patentability of the claim against the prior art. If an independent claim is nonobvious under 35 U.S.C. 103, then any claim depending there from is nonobvious.

The Office Communication correctly acknowledges that the Fujioka fails to teach or suggest cyclically “supplying a second higher clock frequency ... according to a cycle time of the polling cycle.” The Office Communication then applies Wakabayashi to purportedly remedy the deficiencies of Fujioka. However, as explained in greater detail below, Wakabayashi teaches away from the claimed invention. In an alternative basis of traversal, Wakabayashi would change the principle of operation of Fujioka. Consequently, under either basis of traversal, the

Fujioka/Wakabayashi combination fails to constitute a *prima facie* combination for appropriately sustaining an obviousness rejection under the statutory requirements.

Wakabayashi is directed to purportedly solving the problem (an inability to communicate) that arises when two or more noncontact IC cards are overlaid next to each other. See paragraph 4 of Wakabayashi. More particularly, Wakabayashi uses a switch control circuitry 61 to selectively interconnect capacitors C1 and C2 to avoid a drop in the magnitude of the output voltage from a resonator circuit 60 connected to a power circuit 62, which is a rectifier for converting to a DC voltage the AC voltage supplied by resonator 60. See paragraph 76 of Wakabayashi. It will be appreciated that one skilled in the art would recognize that resonator 60 and rectifier 62 comprise a power converter circuit, not an energy store, as set forth in the claimed invention. In fact, Wakabayashi has nothing to do with a method (or apparatus) to increase an operating life of any energy store or battery. One skilled in the art would appreciate that Wakabayashi merely describes switching control circuitry for adapting his power converter to compensate for electromagnetic effects that arise when two or more noncontact IC cards are overlaid next to each other.

It is respectfully submitted that, if anything, Wakabayashi teaches away from the claimed invention (as well as from the primary reference). The claimed invention recites structural and/or operational relationships for extending the life of an energy store while Wakabayashi describes techniques for adapting a power converter to compensate for electromagnetic effects that arise when two or more noncontact IC cards are overlaid next to each other. See M.P.E.P. 2141.03 VI stating that the prior art must be considered in its entirety, including disclosure that teaches away from the claimed invention. Applicant will now discuss an alternative basis of traversal.

In the Office Communication, the Examiner points out that the primary reference (Fujioka) uses a battery component 6 (FIG. 2). The suggested combination with Wakabayashi, however, has nothing to do with extending the life of any battery. In fact, applicant respectfully requests for the Examiner to point out with specificity where Wakabayashi describes extending the life of a depletable energy store or even shows any depletable energy store. Applicant believes that the Examiner will not be able to meet such a basic request. This follows since Wakabayashi's principle of operation for generating power, as described by Wakabayashi, is converting electromagnetic waves received by the coil L in resonator 60 and then rectifying the output from resonator 60 in power circuit 62. This is completely different from the basic

principle of extracting power from a battery, as required by Fujioka. See M.P.E.P 2143.01 VI stating that a combination fails to be a *prima facie* combination when “the suggested combination of references would require a substantial reconstruction and redesign of the elements shown in the primary reference as well as a change in the basic principle under which the primary reference construction was designed to operate”. In this case, the express teachings of Wakabayashi would require that Fujioka redesign his circuitry to replace a battery with an electronics power converter, (not a depletable energy storage device). In view of the foregoing considerations, the rejection of independent claim 20 over the Fujioka /Wakabayashi combination should be withdrawn.

Rejected claims 21-29 depend from claim 20. Applicant respectfully submits that these claims are also allowable over the Fujioka/Wakabayashi combination at least for the same reasons discussed above in connection with independent claim 20. Accordingly, claims 20-29 are believed to be in condition for allowance.

Independent claims 32 and 38 have also been amended consistent with the concepts discussed above. Consequently, the Fujioka/Wakabayashi combination similarly fails to render unpatentable such independent claims, and claims depending from such claims, and their rejection should be withdrawn.

In connection with claims 30-31, RFID Standards (ISO 1800-4 part 4, updated January 31, 2002) fails to remedy the fundamental shortcomings of the Fujioka /Wakabayashi combination. Consequently, the rejection of claims 30-31 based on the Fujioka /Wakabayashi/ RFID Standards combination should also be withdrawn.

### Conclusion


It is respectfully submitted that each of the claims pending in this application recites patentable subject matter, and it is further submitted that such claims comply with all statutory requirements and thus each of such claims should be allowed.

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The commissioner is hereby authorized to charge any appropriate fees due in connection with this paper, including the fees specified in 37 C.F.R. §§ 1.16 (c), 1.17(a)(1) and 1.20(d), or credit any overpayments to Deposit Account No. 19-2179.

Respectfully submitted,

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